

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's own Motion into Competition for
Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Rulemaking on the
Commission's own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)
(FCC Triennial Review
Nine-Month Phase)

**ADMINISTRATIVE LAW JUDGE'S RULING
SHORTENING TIME FOR REPLIES AND RESPONSES TO MOTION**

On March 2, 2005, a filing was made jointly by DMR Communications and Navigator Telecommunications, LLC (collectively, "Small CLECs) entitled "Motion for an Order Requiring SBC to Comply With Its CLEC Interconnection Agreements." The motion presents allegations and seeks relief essentially similar to that requested in the Motion filed in this same proceeding on March 1, 2005, by MCI, Inc. et al.

In the Motion, the Small CLECs claim that Pacific Bell Telephone Company, by and through its parent company, SBC Communications (SBC) has announced that beginning on March 11, 2005, SBC will reject all orders for new lines utilizing the unbundled network element platform (UNE-P) and stop processing requests for moves, adds, and changes for a competitive local exchange carrier's existing customer base. SBC intends to take this action pursuant to its interpretation of the legal effect of the Federal Communication

Commission's recently issued Triennial Review Remand Order, released February 4, 2005. The Joint Movants thus seek a Commission order forbidding SBC from rejecting such UNE-P orders pending compliance with the change of law provisions in the respective Interconnection Agreements.

The Joint Movants concurrently filed a request for an order shortening time to respond to the motion by no later than the time set for responses to the similar motion that was filed on March 1, 2005 by MCI, Inc. et al., but in any event, no later than Monday, March 7, 2005, at noon. Joints Movants claim that such shortening of time for a response is necessary in order to enable the Commission to issue Joint Movants' requested relief prior to SBC's implementation of its planned action to reject Joint CLECs' UNE-P orders beginning on March 11, 2005.

By ALJ ruling dated March 2, 2005, the time for replies and responses to the Joint Motion filed on March 1, 2005, has already been shortened to no later than 5:00 p.m. on March 4, 2005. Accordingly, since the instant motion of the Small CLECs raises essentially similar issues, replies and responses to their March 2, 2005 Motion shall likewise be due no later than 5:00 p.m., on March 4, 2005.

The responses should address the same two questions relating the interpretation of Paragraph 227 of the Triennial Review Remand Order, as were identified in ALJ's ruling shortening time on Joint Movants' Motion of March 1, 2005. Likewise, replies to the responses addressing those two questions shall be due no later than 5:00 p.m. on March 7, 2005.

IT IS RULED that:

1. Joint Movants' request for an order shortening time for responses to their Motion filed on March 2, 2005 is hereby granted.

2. Responses to the Motion shall be due no later than 5:00 p.m. on March 4, 2005.

3. Replies to responses addressing the two questions, as referenced above, shall be due no later than 5:00 p.m. on March 7, 2005.

Dated March 3, 2005, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Shortening Time for Replies to Motion on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated March 3, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.